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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,769	11/05/2003	Hans-Ulrich Stauber	P56988	6343
7590 Robert E. Bushnell Attorney-at-Law Suite 300 1522 "K" Street, N.W. Washington, DC 20005-1202				
EXAMINER				
NICHOLSON III, LESLIE AUGUST				
ART UNIT		PAPER NUMBER		
3651				
MAIL DATE		DELIVERY MODE		
06/20/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/700,769

**Applicant(s)**

STAUBER, HANS-ULRICH

**Examiner**

LESLIE NICHOLSON III

**Art Unit**

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 44-66 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 44-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/2/2008 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 44-47,49-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Muller USP 5,562,278.

Muller disclose a device comprising:

- A collection drum (14) rotatably drivable about a drum axis (12) and including a hub (16) and a plurality of first rests (18) with first saddles (20)
- the first rests (18) being uniformly distributed over the circumference and longitudinally extending parallel to the drum axis (C3/L33-36)

- the collection drum having a collection drum end comprising an end of each of the first rests and the hub (fig.1)
- a conveyor device comprising a revolving conveyer (40) including a plurality of second rests (42) with second saddles (52) arranged transversely to a conveying direction
- the conveyor device comprising a frame supporting the revolving conveyer (inherent, if not disclosed; the conveyor device is not resting directly on the ground)
- the conveyor device in a transfer region arranged adjacent to the collection drum end (fig.1)
- wherein the conveyor device comprises a deflection member on which the second rests are disposed, the deflection member forming a circular conveyor arc matching a circular collection drum arc in the transfer region (fig.1)
- wherein the second rests are movably supported on rails (C10/L66 – C11/L4)
- at least one working station, selected from inserting stations, binding stations (82), adhering stations (74), or further collection stations is disposed in combination with the conveyor device (fig.5,7) (C9/L11-18)

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 48,56-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller USP 5,562,278 in view of Meier USP 5,657,978.

Muller discloses all the limitations of the claims (see ¶3) and further discloses conveyor elements (34) in combination with the collection drum (fig.2), the second saddles arranged distanced to one another and arranged transversely to the conveying direction and the axial and conveyor directions are essentially perpendicular to one another at least in the transfer region (fig.1,2), does not expressly disclose the conveyor device being detached from the collection drum.

Meier teaches the conveyor device being detached from the collection drum for the purpose of allowing portion to rotate at different speeds (C4/L50-63).

At the time of invention it would have been obvious to one having ordinary skill in the art to have the conveyor device detached from the collection drum, as taught by Meier, in the device of Muller, for the purpose of allowing portion to rotate at different speeds.

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LESLIE NICHOLSON III whose telephone number is (571)272-5487. The examiner can normally be reached on mon-fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 5712726911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gene Crawford/  
Supervisory Patent Examiner, Art  
Unit 3651

/L. N./  
Examiner, Art Unit 3651  
6/17/2008